S.B.CRIMINAL MISC. BAIL APPLICATION NO.2337/2007
(Jai Narain & Anr. Vs. State of Rajasthan)

DATE OF ORDER : July 05, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.L.D.Khatri for the petitioners.
Mr.Ashok Upadhyaya, Public Prosecutor for State.
Mr.P.D.Bohra, for the complainant.

Heard learned counsel for the petitioners and the Public Prosecutor for the State assisted by counsel for the complainant. Perused the order impugned and the police investigation diary.

Looking to the serious allegations against the petitioner No.1 and his involvement shown in the police investigation dairy regarding misappropriation of the mustard, in my view, it is not a fit case to grant anticipatory bail to petitioner No.1.

The bail application filed by petitioner No.1 Jai Narain under section 438 Cr.P.C. is, therefore, dismissed.

However, there being no specific allegation against petitioner No.2.

Looking to the facts and circumstances of the case and having considered the oral arguments advanced by learned

counsel for the parties, I consider it just and proper to grant anticipatory bail to the petitioner No.2.

Accordingly, the bail application filed by petitioner No.2 under section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner No.2 Amrit Lal s/o Jai Narain in FIR No.98/2007, Police Station, Jaisalmer, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

The petitioner No.2 shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-